

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

KANGADIS FOOD INC.,
d/b/a The Gourmet Factory,

Debtor.

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KANGADIS FOOD INC.,

Plaintiff,

- against -

JOSEPH EBIN and YERUCHUM JENKINS,
individually and on behalf of all others
similarly situated,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION FOR
ORDER STAYING *EBIN II* ACTION WITHOUT PREJUDICE**

Upon the motion dated September 30, 2014 (Adv. Pro. ECF Doc. No. 2) (the "Motion"),¹ of plaintiff Kangadis Food Inc. (the "Debtor"), seeking entry of an order, pursuant to sections 105(a) and 362 of title 11, United States Code (the "Bankruptcy Code"), staying the action titled *Joseph Ebin, Yeruchum Jenkins, et al. v. Kangadis Family Management, LLC, et al.*, Index No. 14-CV-1324 (JSR), currently pending in the United States District Court for the Southern District of New York; and upon the declaration of George Krueger in support of the Motion (the "Krueger Declaration"); and upon the declaration of Anthony C. Acampora filed in support of the Motion; and upon the *Opposition to the Debtor's Motion to Stay Ebin II* filed by Joseph Ebin and Yeruchum Jenkins (Adv. Pro. ECF Doc. No. 7) (the "Objection"); and upon the Declaration of Scott A. Bursor filed in support of the Objection; and upon the *Plaintiff's Reply to Defendants' Opposition to Motion for Order Staying Ebin II Action* (Adv. Pro. ECF Doc. No. 10); **and this**

¹ All terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

~~Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §157 and 1334; and consideration of the Motion being a core proceeding pursuant to 28 U.S.C. §157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409;~~ and due notice of the Motion having been provided in accordance with Bankruptcy Rule 2002, and this Court finding that no other or further notice need be provided; and upon the record of the hearing on the Motion held on October 15, 2014, the transcript of which is incorporated herein by reference; it is hereby

ORDERED, that the Motion is denied ~~without prejudice and all rights of the parties are reserved.~~